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| BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980 | | | EXAMINER NGUYEN, KHAI N | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/828,998 | Applicant(s) SHAFFER ET AL. | |
| | Examiner Khai N. Nguyen | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>April 21, 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted was filed on the filing date of the instant application on April 21, 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims 21-30 are claimed for the logic embodied in media, and therefore these claims did not fall within at least one of the four enumerated categories of patentable subject matter recited in section 101 (i.e., process, machine, manufacture, or composition of matter).

It is not clear if the logic claimed is necessarily in executable form, i.e. that it is not a non-functional descriptive material. Whether functional or non-functional, claims 21-30 fail to claim that the logic is implemented into the executable program instructions and recorded on an appropriate computer readable medium so as to be structurally and functionally interrelated to the medium and permit the function of the descriptive material to be realized.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 8, 11-16, 18, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Ardon (U.S. Patent Number 5,371,781).

Regarding claims 1 and 11, Ardon teaches a system and a method for enhanced call pickup, the method and the system comprising one or more processing units collectively operable to:

access data indicating a current status of each of one or more users in a call pickup group (CPG) with respect to an incoming phone call to a phone number corresponding to the CPG (**Drawing 100 WIRELESS TELECOMMUNICATION SYSTEM – 115 Cellular Phone 1, 155 Cellular Phone 2, 170 Wire Line Phone, col. 5 lines 29-39**); and

communicate the data to one or more endpoints of one or more users in the CPG for display to one or more users in the CPG, a display of the data to a first user in the CPG facilitating the first user determining a current status of each of one or more second users in the CPG to facilitate a decision by the first user regarding whether to

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pick up the incoming phone call (**Drawing 100 WIRELESS TELECOMMUNICATION SYSTEM – 130 Switch, 3 Cell Site, 125 PSTN, col. 5 lines 39-49**).

Regarding claims 2 and 12, Ardon teaches the system and the method, wherein data indicating a current status of a user in the CPG with respect to the incoming phone call comprises one or more of:

- data identifying the user (**TABLE 1, col. 4 lines 50-58**);

- data indicating a current availability of the user (**col. 4 lines 59-62**);

- data indicating a current presence status of the user (**col. 4 lines 63-65**);

- data indicating a current call status of the user (**col. 4 lines 65-66**);

- data indicating a bandwidth limitation preventing transfer of the incoming phone call to the user (**col. 4 lines 66-68, i.e., if channels are available “bandwidth limitation”**);

- data indicating a preference of the user with respect to picking up the incoming phone call (**col. 5 lines 1-8**); and

- data indicating whether the user intends to pick up the incoming phone call (**col. 5 lines 12-13, i.e., the first device that answers**).

Regarding claims 3 and 13, Ardon teaches the system and the method, wherein the CPG comprises a hunt group (**col. 6 lines 6-9, i.e., “Hunt group” services**).

Regarding claims 4 and 14, Ardon teaches the system and the method, wherein the one or more processing units are collectively operable to automatically and without user input access and communicate the data in response to the incoming phone call **(col. 5 lines 43-45, i.e., message of incoming phone call is sent via PSTN)**.

Regarding claims 5 and 15, Ardon teaches the system and the method, wherein the one or more processing units are collectively operable to access the data and communicate the data to a particular user in the CPG in response to a request for the data from the particular user **(col. 5 lines 49-53)**.

Regarding claims 6 and 16, Ardon teaches the system and the method, wherein the one or more processing units are collectively operable to:

receive input from the first user in the CPG comprising one or more of:

a first indication of a preference of the first user with respect to picking up the incoming phone call **(col. 5 lines 46-49, i.e., display the incoming call which indicates a call pickup call “first indication”)**; and

a second indication of whether the first user intends to pick up the incoming phone call **(col. 5 lines 49-53, i.e., entering a code to pick up incoming call “second indication”)**; and

communicate the input from the first user to one or more endpoints of one or more second users in the CPG for display to one or more second users in the CPG, a display of the input from the first user facilitating a second user determining a current

status of the first user to facilitate a decision by the second user regarding whether to pick up the incoming phone call (**Drawing 100, col. 5 lines 40-43, i.e., broadcast the message to all devices in CPG by switch 130 to cell site 3 and PSTN 125**).

Regarding claims 8 and 18, Ardon teaches the system and the method further comprising the one or more endpoints of the one or more users in the CPG, each of the endpoints being operable to receive the data from the one or more processing units and display the data to a user in the CPG (**Drawing 100 – 125 PSTN (endpoint 1) with 170 Telephone (second user 1), Cell Site 3 (endpoint 2) with 155 Cell Phone (second user 2), col. 5 lines 46-47**).

Regarding claim 32, Ardon teaches a system for enhanced call pickup, the system comprising:

means for accessing data indicating a current status of each of one or more users in a call pickup group (CPG) with respect to an incoming phone call to a phone number corresponding to the CPG (**Drawing 100 WIRELESS TELECOMMUNICATION SYSTEM – 115 Cellular Phone 1, 155 Cellular Phone 2, 170 Wire Line Phone, col. 5 lines 29-39**); and

means for communicating the data to one or more endpoints of one or more users in the CPG for display to one or more users in the CPG, a display of the data to a first user in the CPG facilitating the first user determining a current status of each of one or more second users in the CPG to facilitate a decision by the first user regarding

whether to pick up the incoming phone call (**Drawing 100 WIRELESS TELECOMMUNICATION SYSTEM – 130 Switch, 3 Cell Site, 125 PSTN, col. 5 lines 39-49**).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 9-10, 17, 19-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ardon in view of McMurry et al. (U.S. Publication 2004/0086102, hereinafter "McMurry").

Regarding claims 7, 9-10, 17, and 19-20, Ardon discloses everything claimed as applied above (see claims 1, and 11). However, Ardon fails to include using the new Session Initiation Protocol (SIP) for call processing, user communication by using a graphical user interface (GUI) and a button, and the use of pregenerated messages to communicate the user call status.

In the same field of endeavor, McMurry teaches the systems and methods for implementing call pickup using SIP for call processing (**McMurry – Fig. 1 – 155-1 to 155-N SIP Devices, Figs. 3A-B, paragraphs [0012], [0032] – [0034]**), user communication by using a GUI and a button (**McMurry – paragraph [0038], i.e., a**

mouse, and paragraph [0051] lines 11-14, i.e., preprogrammed a button), and the use of pregenerated messages to communicate the user call status (McMurry – paragraph [0059] lines 4-7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Ardon with the SIP protocol, GUI and a button, and pregenerated messages to improve the call pickup services.

Regarding claims 21-30, Ardon discloses everything claimed as applied above (see claims 1-20). However, Ardon does not specifically disclose the invention logic is readily implementable as the computer executable instruction in one or more computer-readable signal-bearing media.

Again, McMurry teaches the systems and methods for implementing call pickup using SIP for call processing (**McMurry – Fig. 1 – 155-1 to 155-N SIP Devices, Figs. 3A-B, paragraphs [0012], [0032] – [0034], and Exemplary Processing paragraphs [0041] – [0064]**). The advantage of McMurry's invention is the logic can be implemented with executing software instructions contained in a computer-readable medium (**McMurry – paragraph [0040] lines 1-5, i.e., memory devices, computer-readable medium, etc.**). Additionally, the software instructions can be combined with hardware to implement the invention (**McMurry - paragraph [0040] lines 6-11**).

Therefore, it would have been obvious to person of ordinary skill in the art at the time the invention was made to provide Ardon with an article, comprising: one or more

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computer-readable signal-bearing media to implement the method, the logic or process steps for call pickup services.

Regarding claim 31, Ardon teaches a system for enhanced call pickup, the system comprising one or more processing units collectively operable to:

in response to an incoming phone call to a phone number corresponding to a call pickup group (CPG), automatically and without user input (**Ardon - Drawing 100 WIRELESS TELECOMMUNICATION SYSTEM – 115 Cellular Phone 1, 155 Cellular Phone 2, 170 Wire Line Phone, col. 5 lines 43-45, i.e., message of incoming phone call is sent via PSTN**):

access data indicating a current status of each of one or more users in a CPG with respect to an incoming phone call to a phone number corresponding to the CPG, the data comprising one or more of (**Ardon - Drawing 100 WIRELESS TELECOMMUNICATION SYSTEM – 115 Cellular Phone 1, 155 Cellular Phone 2, 170 Wire Line Phone, col. 5 lines 29-39**):

data identifying the user (**Ardon - TABLE 1, col. 4 lines 50-58**);

data indicating a current availability of the user (**Ardon - col. 4 lines 59-62**);

data indicating a current presence status of the user (**Ardon - col. 4 lines 63-65**);

data indicating a bandwidth limitation preventing transfer of the incoming phone call to the user (**Ardon - col. 4 lines 66-68, i.e., if channels are available "bandwidth limitation"**); and

data indicating a current call status of the user (**Ardon - col. 4 lines 65-66**);

Ardon also teaches the following operation steps:

communicate the data to one or more endpoints of one or more users in the CPG for display to one or more users in the CPG, a display of the data to a first user in the CPG facilitating the first user determining a current status of each of one or more second users in the CPG to facilitate a decision by the first user regarding whether to pick up the incoming phone call (**Ardon - Drawing 100 WIRELESS TELECOMMUNICATION SYSTEM – 130 Switch, 3 Cell Site, 125 PSTN, col. 5 lines 39-49**);

receive input from the first user in the CPG comprising one or more of:

a first indication of a preference of the first user with respect to picking up the incoming phone call (**Ardon - col. 5 lines 46-49, i.e., display the incoming call which indicates a call pickup call "first indication"**); and

a second indication of whether the first user intends to pick up the incoming phone call (**col. 5 lines 49-53, i.e., entering a code to pick up incoming call "second indication"**); and

communicate the input from the first user to one or more endpoints of one or more second users in the CPG for display to one or more second users in the CPG, a

display of the input from the first user facilitating a second user determining a current status of the first user to facilitate a decision by the second user regarding whether to pick up the incoming phone call (**Drawing 100, col. 5 lines 40-43, i.e., broadcast the message to all devices in CPG by switch 130 to cell site 3 and PSTN 125**).

What Ardon does not specifically teach is using SIP for the above operation steps.

However, in the same field of endeavor McMurry teaches the systems and methods for implementing call pickup using SIP for call processing (**McMurry – Fig. 1 – 155-1 to 155-N SIP Devices, Figs. 3A-B, paragraphs [0012], [0032] – [0034], and Exemplary Processing paragraphs [0041] – [0064]**). The advantage of McMurry's invention is the implementation of new services processing architectures and protocols (e.g. SIP) for the Internet and other data networks together with the traditional circuit switch networks (e.g., PSTN) (McMurry – Fig. 1 – 105 DATA NETWORK, 110 TELEPHONE NETWORK, paragraph [0006]-[0007]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Ardon with the SIP protocol to be used as call processing in the Internet and other data networks to provide call pickup services.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brahm et al. (U.S. Publication 2003/0215078 A1) teach a system and a method for call screening that can be used with call pickup.

Stumer (U.S. Patent 6,363,142) teaches a system and a method to provide a directed call pickup service in communication network.

Lauzon et al. (U.S. Patent 6,304,649) teach a method and a system to provide services for multiple telephone lines from the same end office.


Ardon (U.S. Patent 5,815,563) teach a system to provide remote call pickup.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai N. Nguyen whose telephone number is (571) 270-3141. The examiner can normally be reached on Monday - Thursday 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai N. Nguyen
10/05/2007



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